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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,287	08/30/2001	Ivano Antonio Gagliardi	CM2422	9985

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THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

BOYER, CHARLES I

ART UNIT PAPER NUMBER

1751

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,287

Applicant(s)

GAGLIARDI ET AL

Examiner

Charles I. Boyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

This action is responsive to applicants' amendment and response received February 10, 2005. Claims 1-14 are currently pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 is confusing because a solvent is claimed, which may be water, however claim 1 calls for less than 5% water.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-4, 6, 7, 9, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Pappas et al, US 5,817,713.

Pappas et al teach water swellable coatings containing a superabsorbent polymer (see abstract). An example of such a composition comprises a particulate sodium polyacrylate super-absorbent polymer in a liquid polyvinyl resin dispersion which is used to coat a synthetic/cotton blend woven fabric (col. 10, example IV). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-7, 9-11, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Duccini et al, US 6,254,892.

Duccini et al teach detergent tablets comprising an absorbent polymer disintegration agent (see abstract). An example of such a composition is a laundry detergent comprising a crosslinked sodium polyacrylate water absorbent polymer (col. 5, table 1). As this composition is ultimately intended for contacting fabrics in an aqueous wash liquor, the examiner maintains the "process of treating a fabric" limitation is satisfied. Furthermore, as a typical laundering process includes a rinse step comprising at least water, the "second composition" limitation is satisfied. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-4, 6, 7, 9, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Nogami et al, US 6,127,027.

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Nogami et al teach a fibrous material containing a moisture-absorbent polymer (see abstract). An example of such a fibrous material is a non-woven fabric which is immersed in a solution of isopropanol and a sodium polyacrylate super-absorbent polymer (col. 11, lines 4-25). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-7 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruggemann et al, US 5,763,067

Bruggemann et al teach layered bodies containing a super-absorbent polymer (see abstract). An example of such a layered body is a cotton cloth sprinkled with a crosslinked sodium polyacrylate super-absorbent polymer (col. 8, example 5). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallieres, US 5,595,731.

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Vallieres teaches a composition comprising a sodium polyacrylate super-absorbent polymer, disinfectant, and deodorant (see abstract). The composition is applied to organic waste spills on floors, carpets, etc. (col. 2, lines 45-54) and the polyacrylate may be mixed with smectic clays (col. 4, lines 1-6). Vallieres does not specifically teach a method for treating fabrics, however, as the composition of Vallieres may be used as a carpet cleaner, the examiner maintains that such a carpet cleaner containing a super-absorbent polymer will satisfy the present claim limitations.

Claims 1-11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duccini et al, US 6,254,892.

4. Duccini et al are relied upon as set forth above. Note that the detergent tablets of the invention include a zeolite (col. 5, table 1). Duccini et al do not specifically teach their zeolite as activated, however, as any water present in the tablet could cause premature disintegration, it would be obvious to one of ordinary skill in the art to severely limit water from their tablet compositions.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles I Boyer
Primary Examiner
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